

111TH CONGRESS  
1ST SESSION

# S. 307

To amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2009

Mr. WYDEN (for himself and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Critical Access Hos-  
5       pital Flexibility Act of 2009”.

1 **SEC. 2. FLEXIBILITY IN THE MANNER IN WHICH BEDS ARE**  
 2 **COUNTED FOR PURPOSES OF DETERMINING**  
 3 **WHETHER A HOSPITAL MAY BE DESIGNATED**  
 4 **AS A CRITICAL ACCESS HOSPITAL UNDER**  
 5 **THE MEDICARE PROGRAM.**

6 (a) IN GENERAL.—Section 1820(c)(2)(B) of the So-  
 7 cial Security Act (42 U.S.C. 1395i–4(c)(2)(B)) is amend-  
 8 ed—

9 (1) in clause (iii), by inserting “(or 20, as de-  
 10 termined on an annual, average basis)” after “25”;  
 11 and

12 (2) by adding at the end the following flush  
 13 sentence:  
 14 “In determining the number of beds for purposes of  
 15 clause (iii), only beds that are occupied shall be  
 16 counted.”.

17 (b) EFFECTIVE DATE.—The amendments made by  
 18 this section take effect on January 1, 2010.

19 **SEC. 3. CRITICAL ACCESS HOSPITAL INPATIENT BED LIM-**  
 20 **ITATION EXEMPTION FOR BEDS PROVIDED TO**  
 21 **CERTAIN VETERANS.**

22 (a) IN GENERAL.—Section 1820(c) of the Social Se-  
 23 curity Act (42 U.S.C. 1395i–4(c)) is amended by adding  
 24 at the end the following new paragraph:

25 “(3) EXEMPTION FROM BED LIMITATION.—For  
 26 purposes of this section, no acute care inpatient bed

1        shall be counted against any numerical limitation  
2        specified under this section for such a bed (or for in-  
3        patient bed days with respect to such a bed) if the  
4        bed is provided for an individual who is a veteran  
5        and the Department of Veterans Affairs referred the  
6        individual for care in the hospital or is coordinating  
7        such care with other care being provided by such  
8        Department.”.

9        (b) EFFECTIVE DATE.—The amendment made by  
10       subsection (a) shall apply to cost reporting periods begin-  
11       ning on or after the date of the enactment of this Act.

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